



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

September 18, 2015

BY ECF AND BY HAND

The Honorable Naomi Reice Buchwald
United States District Judge
Southern District of New York
United States Courthouse
New York, New York 10007

**Re: United States v. Tai Nguyen,
12 Cr. 495 (NRB)**

Dear Judge Buchwald:

The Government writes respectfully to seek an extension of time to answer the above-referenced petition for a writ of error *coram nobis* vacating the defendant's guilty plea and conviction. The defendant's amended petition was filed on June 4, 2005, and on June 5, the Government requested, with the consent of the defendant, additional time to answer the petition because, among other reasons, the defendant's petition is premised on the recent holding of the Court of Appeals in *United States v. Newman*, 773 F.3d 438 (2d Cir. 2014). Among the bases for the Government's request was that the Government was still determining whether it would seek *certiorari* in *Newman*. Your Honor granted the Government's request for an extension to July 20, 2015, as well as a further extension to September 15, 2015.

The Government has now elected to seek *certiorari* in *Newman*, and briefing on the Government's petition was completed on September 8, 2015. Given that the defendant is no longer serving a sentence, we submit that it is appropriate here to await the outcome of that process. In the event that *certiorari* is granted, we will likely request additional time for the case to be decided. In the event that *certiorari* is denied, we will likely request additional time because

